

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Virginia C. Munoz, Plaintiff	*
	*
v.	
	*
Seton Healthcare d/b/a	Civil No. 1:11-CV-00151 LY
Seton Health Network,	*
Seton Family of Hospitals,	*
Seton Northwest Hospital, and	*
Seton Southwest Hospital, and	*
Ascension Health, Defendants	*

MOTION TO WITHDRAW AS PLAINTIFF'S COUNSEL (OPPOSED)

TO THE HONORABLE JUDGE OF SAID COURT:

I. INTRODUCTION

1. COMES NOW, Lin L. Blansit of the Law Offices of Lin L. Blansit, asking this Court to allow her to withdraw as attorney of record for Plaintiff, and would respectfully show the Court as follows:

II. PARTIES

2. Plaintiff is Virginia C. Munoz; Defendants are Seton Healthcare d/b/a Seton Health Network, Seton Family of Hospitals, Seton Northwest Hospital, and Seton Southwest Hospital, and Ascension Health.

III. CASE BACKGROUND

3. NATURE OF CASE: Plaintiff sued Defendants for discrimination and retaliation in violation of Title VII, the TCHRA, ADEA, and ADA-ADAA, as well as the FMLA. .

4. PENDING MATTERS: The case is currently proceeding under Plaintiff's Second Amended Complaint, filed on March 9, 2012.

5. Discovery is being conducted pursuant to an Agreed Scheduling Order signed and filed on January 13, 2012. The discovery period will end on June 8, 2012, unless otherwise ordered by the court or as agreed by the parties.

6. Trial is set during the month of November, 2012, unless otherwise ordered by the Court or as agreed by the parties.

7. The deadline for designation of experts, amending pleadings, and adding parties is March 30, 2012.

8. A true and correct copy of the Agreed Scheduling Order on file in this case and governing case management is attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth at length. In addition to the Agreed Scheduling Order attached hereto, a copy was previously provided to Ms. Munoz on one or more occasions.

9. Defendants are currently in default on their objections, answers, and responses to discovery due by agreed extension on February 29, 2012, to Plaintiff's Request for Production of Documents to Defendants served by hand delivery on December 13, 2011, Plaintiff's First Set of Interrogatories to Defendant Seton served by hand delivery on December 13, 2011, and Plaintiff's First Set of Interrogatories to Defendant Ascension

Health served by hand delivery on December 12, 2011. Plaintiff's supplementation of her discovery responses remains pending.

10. REASON FOR WITHDRAWAL: There is good cause for this Court to grant the motion to withdraw. Substantial, repeated and material differences in opinion on the law, facts, and objectives of representation, lack of cooperation with reasonable requests by this Attorney, and inconsistent and sometimes hostile instructions and communications to this Attorney undermine the efficiency and productivity of legal services and destroy the legitimate ends of the attorney-client relationship, making the rendition of legal services by this Attorney unreasonably difficult and the further rendition of legal services by this Attorney, imprudent and ill-advised. And, the client anticipates breach of paragraph 6 of the Employment Contract as to the advancement of funds and timely payment of expenses, which would cause an unreasonable financial burden on this Attorney or substantially hinder the Attorney in providing legal services. This Attorney is unable to control the Client in this litigation process. The Attorney has warned Ms. Munoz that the Attorney would withdraw under these circumstances and has provided opportunities for the situation to be rectified and time to retain new legal representation, including advance warning of this Motion and a date certain for filing same.

IV. COMPLIANCE WITH LOCAL RULE AT-3

11. This Motion is intended to, and does comply, with Local Rule AT-3 and federal protocol.

12. A copy of this Motion has been delivered to the Client, Virginia C. Munoz, via regular U.S. first class mail and U.S. certified mail at the following last known address:

Virginia Munoz
721 Shade Tree Drive
Austin, Texas 78748

13. Ms. Munoz does not have a telecopier number. Her telephone number for business purposes is 512/292-6641.

14. By copy of this Motion, the Client, Virginia C. Munoz, has been notified in writing of her right to object to this Motion and the Attorney's withdrawal from her representation. Ms. Munoz does not consent to this Motion or to this Attorney's withdrawal.

15. The client, Virginia C. Munoz, plaintiff, has not signed her consent or agreement to this Motion because she has clearly stated that she opposes and objects to this Attorney's withdrawal from her representation in this case.

16. Good cause has been shown in that the legitimate ends of the attorney-client relationship has been destroyed; that is, this Attorney does not agree with the Client's decisions and expectations for this case and the Client does not agree with this Attorney's recommendations and actions in this case.

17. SEALING EVIDENCE AND HEARING: Because this matter involves attorney-client privileged communications, the Movant requests that, if the Court deems a hearing appropriate and necessary on this Motion, the Court conduct any hearing on this Motion *in camera* and limit it to Movant and Ms. Munoz. Movant further moves that

evidence be admitted under seal, being a matter of public policy that attorney-client privileged communications not be disclosed to the public.

WHEREFORE, PREMISES CONSIDERED, Movant asks this Court to grant her motion to withdraw as the attorney of record for plaintiff, Virginia C. Munoz, evidence be under seal and/or *in camera*, as allowed by the Court, and for such other and further relief in law or equity to which Movant may be justly entitled.

Respectfully submitted,

Law Offices of Lin L. Blansit

By: /s/ Lin L. Blansit
Lin L. Blansit
Texas State Bar No. 02458500
1411 West Avenue, Suite 200
Austin, Texas 78701-1537
Tel: (512) 499-0900
Fax: (512) 474-5594
ATTORNEYS FOR VIRGINA MUNOZ,
PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing MOTION TO WITHDRAW AS PLAINTIFF'S COUNSEL was served on the following attorneys of record in accordance with the Federal Rules of Civil Procedure through the Clerk of Court using the CM/EFC system on this 9th day of March, 2012:

Thomas A. Nesbitt
DeShazo & Nesbitt LLP
809 West Avenue
Austin, Texas 78701
FAX # 617-5563
tnezbitt@deshazonesbitt.com
Attorneys for Defendants

Virginia C. Munoz
721 Shade Tree Drive
Austin, Texas 78748
Plaintiff

Via Electronically Through the U.S.Clerk
and U.S. Certified Mail
Return Receipt Requested
No. 7011 0470 0001 6170 0474

Via U.S. Certified Mail
Return Receipt Requested
No. 7011 0470 0001 6170 0382
And Regular U.S. Mail

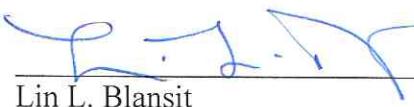
/s/ Lin Blansit
Lin Blansit

VERIFICATION

STATE OF TEXAS *

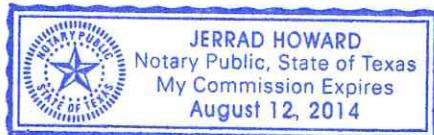
COUNTY OF TRAVIS *

Before me, the undersigned notary, on this day personally appeared Lin L. Blansit, a person whose identity is known to me. After I administered an oath to her, upon her oath she said she had read the above and foregoing Motion to Withdraw as Plaintiff's Counsel and the facts stated in it are within her personal knowledge and are true and correct.



Lin L. Blansit

Sworn to and subscribed before me by Lin L. Blansit on this 1 day of March, 2012, which witness my hand and official seal.





Signature of Notary Public In and For the
State of Texas

EXHIBIT “A”

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2012 JAN 13 AM 10:02
FEB 2012

VIRGINIA C. MUÑOZ	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	
	§	
	§	
SETON HEALTHCARE d/b/a	§	CIVIL ACTION No.1:11-CV-00151 LY
SETON HEALTH NETWORK,	§	
SETON FAMILY OF HOSPITALS,	§	
SETON NORTHWEST HOSPITAL, and	§	Removed from the
SETON SOUTHWEST HOSPITAL, and	§	District Court of Travis County, Texas
ASCENSION HEALTH,	§	53 rd Judicial District
<i>Defendants.</i>	§	CAUSE NO. D-1-GN-11-000226

AGREED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV88 shall be filed on or before **December 30, 2011**.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **December 15, 2011**, and each opposing party shall respond, in writing, on or before **December 30, 2011**. All offers of settlement are to be private, not filed, and the Court is not to be advised of them. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of the trial.
3. The parties shall file all amended or supplemental pleadings and shall join additional parties by **March 30, 2012**.

4. All parties asserting claims for relief shall file and serve on all other parties their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **March 30, 2012**. Parties resisting claims for relief shall file and serve on all other parties their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **April 20, 2012**. All designations of rebuttal experts shall be filed and served on all other parties within fifteen (15) days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties within fifteen (15) days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **eleven (11)** days of receipt of the written report of the expert's proposed testimony, or within **eleven (11)** days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. The parties shall complete all discovery on or before **June 8, 2012**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before **June 15, 2012** and shall be limited to twenty (20) pages. Responses shall be filed and served on all other parties within eleven (11) days of the service of the motion and shall be limited to twenty (20) pages. Any replies shall be filed and served on all other parties within eleven (11) days of the service of the response and shall be limited to ten (10) pages, but the Court need not wait for the reply before ruling on the motion.

8. **The parties shall not complete the following paragraph 8. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.** This case is set for final pretrial conference, in chambers, on the 17th day of October, 2012, at 10:00 a.m. and trial in the month of November, 2012. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this 13th day of January, 2012


LEE YEAKEL
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Virginia C. Munoz, Plaintiff	*
	*
v.	
	*
Seton Healthcare d/b/a Seton Health Network, Seton Family of Hospitals, Seton Northwest Hospital, and Seton Southwest Hospital, and Ascension Health, Defendants	Civil No. 1:11-CV-00151 LY
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ORDER GRANTING MOTION TO WITHDRAW AS PLAINTIFF'S COUNSEL

On this day, came on to be considered the Motion to Withdraw as Plaintiff's Counsel filed by Lin L. Blansit of the Law Offices of Lin L. Blansit. The Court, having reviewed said verified motion and given opportunity for response, is of the opinion that it has merit and should be granted. The Court finds that good cause exists for Lin L. Blansit to withdraw as the attorney of record for Virginia C. Munoz, plaintiff, and that Lin L. Blansit has complied with Local Rule AT-3 and procedural requirements.

IT IS THEREFORE ORDERED that Lin L. Blansit of the Law Offices of Lin L. Blansit is withdrawn as the attorney of record for the plaintiff, Virginia C. Munoz, and all notices of the court will be sent to Virginia C. Munoz, 721 Shade Tree Drive, Austin, Texas 78748, phone number 512-292-6641.

Date signed: _____

Honorable Lee Yeakel, Judge Presiding